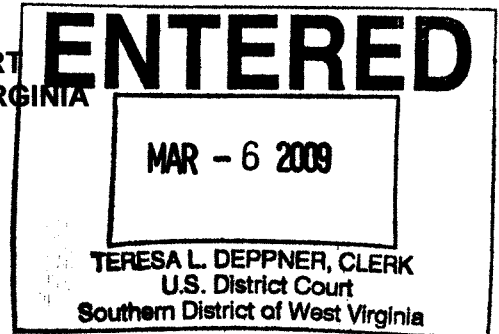


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON



LESLIE ADAMS, et al.,
Plaintiffs,

v.

CIVIL ACTION NO. 2:02-1275

BAR-K, INC., et al,
Defendants.

Stipulation of Dismissal

Comes now the Plaintiffs herein, by Counsel, and pursuant to Rule 41(a)(1)(i) of the Federal Rules of Civil Procedure stipulates to the dismissal of this action on the grounds that the actions of third parties and entities have rendered further pursuit of this action moot.

By their endorsement, the parties agree that this action may be dismissed with prejudice and the parties bearing their own respective costs.

Dated: February 27, 2009.

A handwritten signature in black ink, appearing to read "Charles F. Donnelly".

Charles F. Donnelly, (WVSB # 1034)
United Mine Workers of America
1300 Kanawha Boulevard, East
Charleston, WV 25301

Counsel for Plaintiffs

A handwritten signature in black ink, appearing to read "John F. McCuskey".

John F. McCuskey, Esq., (WVSB # 2431)
Shuman McCuskey & Slicer, PLLC
P.O. Box 3953
Charleston, WV 25339-3953

Counsel for Bar-K, Inc.

A handwritten signature in black ink, appearing to read "Albert F. Sebok".

Albert F. Sebok, Esq., (WVSB #4722)
Jackson & Kelly
P.O. Box 553
Charleston, WV 25332-0553

Counsel for Apogee Coal Co. and Hobet Mining